UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEBRASKA

ROBERT STOCK,

          Plaintiff,

vs.

ELIAS D. RODRIGUEZ SR. and
C.R. ENGLAND, INC., a Utah Corporation

          Defendants.

Case No. _____

COMPLAINT AND DEMAND
FOR TRIAL BY JURY

Plaintiff, for his cause of action against Defendants, states and alleges as follows:

JURISDICTION AND VENUE

1.   The United States District Court has jurisdiction in this matter pursuant 28 U.S.C. §1332(a)(1) and other applicable law.

2.   The amount in controversy exceeds the jurisdictional amount set forth in 28 U.S.C. §1332(a), and other applicable law.

3.   The acts complained of occurred in Nebraska and venue is proper pursuant to 28 U.S.C. §1391(b)(2) and other applicable law.

4.   Plaintiff, Robert Stock (hereinafter referred to as "Plaintiff"), currently is a resident of Horse Branch, Kentucky, County of Ohio, Kentucky.

5.   Defendant, Elias D. Rodriguez Sr. (hereinafter referred to as "Defendant"), was a resident of Victorville, California, County of San Bernardino, California at the time of the incident alleged herein. Defendant C.R. England, Inc. is a Utah Corporation with its principal place of business in Salt Lake City, Utah.

NEGLIGENCE

6.   On February 28, 2015, in Buffalo County Nebraska, Plaintiff was parked and asleep in the sleeper bed of his semi at the Pilot Truck Stop when a semi-truck owned by C.R. England and operated by Defendant Rodriguez Sr., struck Plaintiff's truck knocking him out of his sleeper bed.

7.   Plaintiff is informed and believes, and based upon such information and belief, states and represents that at the time of the accident described in paragraph 6 above, Defendant Rodriguez Sr. was employed by Defendant C.R. England, LLC, and was driving a company vehicle within the scope and course of said employment.

8.   Defendant Rodriguez Sr. was negligent in the premises and otherwise failed to observe and obey the rules of the road, which proximately caused the accident and resulting property damage and personal injuries; specifically, Defendant Rodriguez Sr. was negligent by failing to: (a) keep a proper look-out; (b) maintain control of his motor vehicle; (c) stay a safe distance from vehicles in front of him; (d) watch for foreseeable danger; (e) drive a reasonable speed under the circumstances; (f) keep vigilant, awake and alert and; (g) take reasonable steps necessary to avoid a collision.

9. As the employer for Defendant Rodriguez Sr., Defendant C.R. England, Inc. is vicariously liable for the negligent acts of its employee Defendant Rodriguez Sr., under the doctrine of *respondeat superior*.

DAMAGES

10.   As a proximate cause and result of Defendant's Rodriguez Sr. negligence, Plaintiff sustained substantial and permanent injuries and related damages, which include, but are not necessarily limited to, personal injuries and consequential damages, past and future expenses for necessary medical, hospital and chiropractic treatment, past and future loss of earnings, past and future pain and suffering, loss of earning capacity, and past and future loss of enjoyment of life, mental anguish and emotional distress.

WHEREFORE, Plaintiff prays for judgment as follows:

a.   For actual damages in an amount to be proven at trial;

b.   For prejudgment interests on all sums certain that are unpaid;

c.   For all costs and fees that Plaintiff may be entitled to under Nebraska law; and

d.   For such other and further relief as the Court may deem just and equitable.

ROBERT STOCK, Plaintiff.

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DEMAND FOR JURY TRIAL

COMES NOW, Plaintiff by and through his counsel of record, hereby respectfully demands trial by jury of all issues so triable.

/s/ Mark D. Fitzgerald
One of Plaintiff's Attorneys